REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-12, 14-23, 25-26, 38-41, and 43-55 are pending in the present application, Claims 1, 7, 8, 12, 18, 23, and 29 having been amended, Claims 50-55 having been added, and Claims 2, 13, 24, 37, and 42 having been canceled without prejudice or disclaimer. Support for the amendments to Claims 1, 7, 12, 18, 23, and 29 is found, for example, in original Claim 2. Support for new Claims 50-55 is found, for example, in Fig. 2. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-36, 38-41, and 43-49 were provisionally rejected under the non-statutory obviousness-type double patenting as unpatentable over Claims 1-49 of copending Application No. 09/537,405; Claim 8 was objected to; Claims 1-11 were rejected under 35 U.S.C. §103(a) as unpatentable over Honma (U.S. Patent No. 6,304,313) in view of Safai et al. (U.S. Patent No. 6,167,469, herein Safai), and further in view of Nemoto (JP 9-23375); Claims 12-33 were rejected under 35 U.S.C. §103(a) as unpatentable over Honma in view of Safai, Nemoto, and Fellegara et al. (U.S. Patent Publication No. 2001/0015760); and Claims 34-36, 38-41, and 43-49 were indicated as being allowable if the double patenting rejection is overcome.

Applicant thanks the Examiners for the courtesy of an interview extended to Applicant's representatives on February 17, 2006. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. The Examiners agreed that the subject matter of Claim 2 distinguished over the art of record. However, no agreement as to allowability was reached as the amended form of the claims required further searching. Arguments and amendments presented during the interview are reiterated below.

Applicants also thank the Examiner for the indication of allowable subject matter.

With respect to the rejections based on non-statutory double patenting, Applicants respectfully submit that Claims 1-36, 38-41, and 43-39 are patentably distinct from the claims of Application No. 09/537,405. Furthermore, Applicant notes that Application No. 09/537,405 has been allowed.

To expedite progress toward allowance, a Terminal Disclaimer is filed herewith. Thus, Applicant submits the outstanding rejections of the claims have been overcome.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, Claims 34-36, 38-41, and 43-49 are in condition for allowance.

With respect to the rejection of Claim 2 as unpatentable over the combination of Honma, Safai, and Nemoto, the subject matter of which is now included in amended Claim 1, Applicants respectfully traverse the rejection. Amended Claim 1 recites, *inter alia*, "in the text shooting mode, said storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on said shooting condition data."

The outstanding Office Action relies on Honma to disclose the above-noted elements of amended Claim 1. It appears that the outstanding Office Action equates memory 107 of

Honma to the claimed "storage unit."[1] However, storage unit 107 of Honma does not store shooting condition data in a one-to-one correspondence with the compressed image data. Honma discloses that memory 107 stores decompressed image data.[2] However, there is no disclosure or suggestion that memory 107 stores shooting condition data in a one-to-one correspondence with the compressed image.

Furthermore, Honma discloses that correction processor 109 performs perspective correction in accordance with instructions from a correction instructing portion 110, where corrections instructed by a user through a user interface unit 111 are stored.[3] Thus, the compressed image data and the correction instructions are stored in different memories, and there is no disclosure or suggestion of storing the shooting condition data in a one-to-one correspondence with the compressed image data.

The outstanding Office Action also appears to take the position that monochrome color equates to the claimed "shooting condition data." If the compressed image is obtained with a camera in a monochrome mode, Honma does not disclose storing the mode setting in a one-to-one correspondence with the compressed image.

Thus, in view of the above-noted distinctions, Applicant respectfully submits that Claims 1 (and Claims 3-6 and 50) patentably distinguish over Honma, Safai, and Nemoto, taken alone or in proper combination. Applicant respectfully submits that amended Claims 7, 12, 18, 23, and 29 are similar to amended Claim 1. Thus, Applicant respectfully submits that amended Claims 7, 12, 18, 23, and 29 (and Claims 8-11, 13-17, 19-22, 24-28, and 51-55) patentably distinguish over Honma, Safai, and Nemoto, taken alone or in proper combination, for at least the reasons stated for Claim 1.

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[1] Office Action, page 4.
[2] Honma, col. 5, lines 38-39.
[3] Honma, col. 5, lines 43-46.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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